

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-25	EX	75/191,100	Brownfield Realty, Ltd.	Cissel Seeherman* Hanak	whether the words BROWN-FIELD REALTY are merely descriptive of applicant's services and must be disclaimed; whether those words have acquired distinctive-ness under Section 2(f); whether applicant's mark is registrable on the Supplemental Register without disclaimer of the word REALTY	Refusal Affirmed on all grounds		"BROWNFIELD REALTY LTD" (and design) [real estate services, namely, the acquisition, investment, leasing, ownership, management, and disposition of environmentally-impaired real estate and debt instruments secured by environmentally-impaired real estate; environmental remediation, namely, soil, waste and/or water treatment services; environmental management, namely, hazardous waste management; environmental due diligence, namely, reviewing standards and practices to assure compliance with environmental laws and regulations]		Ankrah	No
6-25	EX	75/729,408	FTL Systems, Inc.	Seeherman* Hairston Bucher	2(e)(1)	Refusal Affirmed		"THE BILLION GATE DESIGN SOLUTION" [computer software for compilation and simulation of electronic and electro-mechanical designs]		Stine	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration
(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-25	EX	75/278,430	American International Group, Inc.	Cissel Seeherman* Walters	2(e)(3)	Refusal Affirmed		"GRANITE STATE INSURANCE COMPANY" [financial guarantee and surety; insurance underwriting in the fields of property, casualty, specialty workers' compensation, healthcare and automobile insurance to domestic and foreign markets]		C. B. King	No
6-25	OPP (SJ)	121,364	Dunkin' Donuts USA, Inc. v. Jerry Ucci	Simms Bottorff Rogers [Opinion "By the Board" (Greenbaum)]	2(d)	Opposition Sustained [Opposer's motion for summary judgment granted]	"DUNKIN' DONUTS" [restaurant services, doughnuts, doughnut flour, fruit fillings for doughnuts, cookies, cakes and pies, vegetable oil, shortening and coffee]	"U-DUNK-IT-DONUTS-PLUS" [restaurant and carry-out food services]			No
6-26	EX	75/242,273	Rosen Product Development, Inc.	Cissel* Seeherman Drost	2(e)(1)	Refusal Affirmed		"SLIM LINE" [computer accessories, namely, hardware for mounting computer monitors in vehicles]		Vanston	No
6-26	EX	75/767,745	Pope Paul VI Institute for the Study of Human Reproduction, Inc.	Cissel Chapman* Bottorff	2(e)(1)	Refusal Affirmed		"FERTILITYCARE" [educational services, namely, conducting classes in the field of reproductive medicine]		G. Clark	No
6-26	EX	75/199,345	Milano Hat Co., Inc.	Hairston* Bucher Bottorff	2(a) [geographically deceptive]	Refusal Affirmed		"MILANO HATS" (and design) [western hats and caps]		Asar	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-26	EX	75/868,741	Nevin Wayne Fouts	Hairston* Wendel Rogers	2(e)(1)	Refusal Affirmed		"GLOBAL CONFERENCE SYSTEM" [computer network and communication facilities equipment for interactive communications relating to business administration degrees, certifications and accreditation programs, involving linking persons in different locations physically remote from one another, namely, data communications equipment, namely, data storage, processing and communication units; portable wired and wireless modem-equipped digital processing and display units; and audio and video input and display units; interactive telecommunications services for interactive communications relating to business administration degrees, certifications and accreditation programs, namely, providing and operating networks and facilities for linking persons in different locations physically remote from one another]		Smiga	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-26	EX	75/653,692	Standard Plywoods, Inc.	Cissel* Hanak Rogers	2(d)	Refusal Reversed		"DUCK GLUE" [adhesives for applying wood flooring]	<i>2 cited registrations, both owned by the same entity: "DUCK" and "DUCK TAPE" [both marks for elongated tape having a pressure sensitive adhesive on one side]</i>	Kovalsky	No
6-26	EX	75/929,155	Glissen Chemical Co., Inc.	Cissel* Seeherman Hanak	genericness (whether applicant's mark is registrable on the Supplemental Register)	Refusal Affirmed		"WINDOW WASH" [a detergent for industrial use in washing and cleaning surfaces, namely, windows, glass table tops, glass store fronts, and glass door panels]		Beyer	No
6-26	EX (R)	75/646,333	The Whole Child Learning Company, Inc.	Cissel* Seeherman Quinn	2(e)(1)	Request for Recon- sideration Denied (Refusal Affirmed)		"THE WHOLE CHILD LEARNING COMPANY" [early educational services, namely, providing instruction in the fields of kinesthetics, athletics, arts, civics, mathematics, logic, critical thinking, problem solving, spatial relations, time concepts, measurements, linguistics, music, cooperation, social and interpersonal skills and activities, motivation, phonics, reading, pre-reading readiness, shape and color recognition, sequencing, computer skills, and use and care of computer equipment]		Neville	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-26	EX	75/930,613	Iris Bus France, S.A.	Cissel Walters* Drost	2(d)	Refusal Reversed		"CRISTALIS" [motor coaches, motor buses]	2 cited registrations, both owned by the same entity: "KRYSTAL KOACH INC." [automobiles, limousines, funeral cars and buses] and "KRYSTAL" (in stylized lettering) [automobiles]	Alt	No
6-26	EX	75/823,864	BRAINY-BRAWN. COM, INC.	Seeherman Hohein* Rogers	whether applicant's specimens show service mark use of applicant's mark in connection with its recited services; whether applicant must comply with the requirement that a corporate officer, rather than its attorney, sign the application	Refusal Affirmed		"BRAINYBRAWN" [educational services, namely, conducting classes, seminars, conferences and workshops in the field of mind, body and soul health considerations]		Ririe	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-26	EX	75/510,307	American Farm Bureau Federation	Quinn Hairston* Bucher	Section 6 disclaimer requirement (of the word WEB-MASTER)	Refusal Reversed		"FARM BUREAU WEBMASTER" (in stylized lettering) [providing multiple-user access to the global computer information network]		Fisher	No
6-26	OPP	111,215	Ramex Records, Inc. v. C. Jose Alfredo Guerrero	Seeherman Bucher Drost*	2(d)	Opposition Sustained	"LOS CADETES DE LINARES" [cassette tapes, compact discs, and videos, featuring audio and/or video recordings of musical performances and entertainment services and providing live musical performances by a group]	"LOS CADETES DE LINARES" [a series of pre-recorded cassettes and compact discs containing music]			No
6-27	EX	75/937,091	Vim & Vigor, Inc.	Cissel Hanak* Chapman	2(d)	Refusal Affirmed		"VIM & VIGOR" [wholesale, retail and mail order catalog services featuring nutritional and dietary supplements, weight loss products and skin care products]	"VIM & VIGOR" [health and fitness magazine]	Orndorff	No
6-27	EX	75/932,890	George R. Melby	Hanak* Quinn Hohein	2(e)(1)	Refusal Reversed		"THE 4TH SHELL" [accessories for shotguns, namely, externally -mounted auxiliary shell holders]		Stine	No
6-27	EX	75/672,563	Gary R. Johnson	Hanak Hairston Bucher*	whether the applicant's identification of goods is acceptable	Refusal Affirmed		"GT" [printed text that may be used in all types of printed materials; electronic text that may be used in all types of electronic publications]		Blohm	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-27	OPP	112,342	United German-American Societies of Greater Chicago v. German American Committee of Greater New York Inc.	Seeherman Hairston Chapman*	whether the mark is generic; whether, if not generic, the mark is merely descriptive [2(e)(1)]; whether applicant's mark has become distinctive through use in commerce, under Section 2(f); fraud in the filing of a Section 2(f) declaration	Opposition Sustained (but only on the grounds that applicant's mark is merely descriptive and has not acquired distinctive-ness)		"GERMAN-AMERICAN STEUBEN PARADE" (and design) [books, journals, and pamphlets, all relating to the activities of a not-for-profit organization which promotes the German-American heritage; organizing community festivals featuring a variety of activities, namely, parades, beauty pageants, ethnic dances and the like]			No
6-27	CANC	26,899	The Synergy Co. of Utah, LLC v. IVC Industries, Inc.	Hanak Bucher* Drost	genericness; abandonment [Note: summary judgment was granted to petitioner on 12/31/98 on ground of abandonment; case was then sent to trial on ground of genericness]	Petition to Cancel Granted (but only on ground of abandonment)		"SYNERGY" [dietary food supplement, namely, chewable wafers and tablets containing honeybee pollen]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 24-28, 2002 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-28	EX	75/891,291	Ferro Corp.	Cissel Quinn Rogers*	2(d)	Refusal Affirmed		"NIMEX" [color concentrates, namely, metal filled plastic color concentrates for use in the manufacture of molded plastics]	"NYMAX" [polymeric compounds for further processing in extrusion or molding operations]	Carroll	No
6-28	EX	75/725,583	DLI Engineering Corp.	Hohein* Walters Bottorff	2(d)	Refusal Affirmed		"SMARTMACHINE TECHNOLOGIES WWW.SMART - MACHINERY.COM (and design) [computer software and hardware for predicting and communicating maintenance needs for industrial machinery]	"SMART MACHINES" [computer programs and program manuals all sold as a unit]	Gilbert	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member